

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 22-CV-22538-ALTMAN/REID

Pierce Robertson, et al., on behalf of themselves
and all others similarly situated,

Plaintiffs,

CLASS ACTION COMPLAINT

v.

JURY DEMAND

Mark Cuban, Dallas Basketball Limited, d/b/a
Dallas Mavericks, and Stephen Ehrlich,

Defendants.

/

PLAINTIFFS' RENEWED REQUEST FOR A STATUS CONFERENCE

Plaintiffs, in accordance with the Court's September 13, 2022 Order, [ECF No. 15], respectfully request a brief Status Conference at the Court's earliest convenience, now that the relevant issues in the Bankruptcy Action have been fully resolved and to update the Court on the status and background of this litigation.

After months of extensive cooperation and coordination, counsel for the Voyager Debtors and bankruptcy counsel working with Undersigned Counsel reached an agreed Stipulation, that was filed in the bankruptcy court, whereby Plaintiffs will dismiss with prejudice the claims against Defendant Stephen Ehrlich, the former CEO of Voyager (subject to a reservation of rights), and will now proceed expeditiously on their claims against Defendant Mark Cuban and his Dallas Mavericks (and any other third parties that discovery may reveal should be added as named defendants). A copy of the Stipulation is attached as **Exhibit A**.

On September 13th, this Court ruled that it "will set a status conference in this case after the hearing that's scheduled for October 18, 2022 in the Bankruptcy Action (Case No. 22-10943 (MEW) (S.D.N.Y. 2022)) takes place. Within three days of that hearing, any party may file a renewed motion for a hearing." ECF No. 15. That hearing was subsequently rescheduled to take place on October 19, 2022.

On October 18, 2022, Plaintiffs and the Debtors in the Bankruptcy Action filed a Stipulation that fully resolves the Adversary Proceeding filed against Plaintiffs seeking to enjoin

this action. Pursuant to that Stipulation, Plaintiffs agreed to dismiss Defendant Stephen Ehrlich from this action with prejudice, with a reservation of rights allowing them to reinstate those claims if it is determined that the financial disclosures Mr. Ehrlich provided “is materially inaccurate,” and that “[i]n such case, any applicable statutes of limitations or repose shall relate back to the August 10, 2022 filing date of the initial complaint in the Robertson Action.” *See* Ex. A.

In exchange, the Debtors agreed to voluntarily dismiss the Adversary Proceeding, and the Debtors and Mr. Ehrlich agree that “the Customers may resume prosecution of the Robertson Action against the Cuban Parties immediately.” *See* Ex. A.

Given that this case is currently administratively closed, Plaintiffs respectfully renew their request and ask the Court to hold a brief Status Conference to update the Court and discuss, among other things, the filing of an Amended Complaint, the dismissal of Mr. Ehrlich, and a proposed provisional Leadership of this litigation for when it does proceed.

CONCLUSION

Plaintiffs respectfully request this Honorable Court order a brief status conference before the Court at the Court’s earliest convenience.

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S.D. FLA. L.R. 7.1 CERTIFICATION

Counsel for the Movants has made reasonable efforts to confer with all parties who may be affected by the relief sought in the Request, and are not aware of any objection. Plaintiffs look forward to coordinating any date and time that is convenient for the Court, and all parties.

Dated: October 19th, 2022.

Respectfully submitted,

By: /s/ Adam M. Moskowitz

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on October 19, 2022, with the Court via CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz
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